

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Atty. Docket

Srinivas Gutta

US010451US

Serial No. 09/966,414

Group Art Unit: 2623

Filed: September 28, 2001

Examiner: Hunter B. Lonsberry

Confirmation No.: 4362

Customer No. 24737

Honorable Commissioner for Patents  
Alexandria, VA 22313-1450

REQUEST FOR WITHDRAWAL  
OF ERRONEOUSLY-ISSUED NOTICE OF ABANDONMENT

Sir:

A Notice of Abandonment dated July 20, 2007, has been received stating that the above-identified application has been abandoned through the decision by the Board of Patent Appeals and Interference rendered on 5/15/07 and because the period for seeking court review of the decision has expired and there are no allowed claims. Applicants undersigned attorney respectfully submits that such Notice was issued erroneously, since an RCE and Amendment was timely filed (see attached copy of the RCE and Amendment) with the Patent and Trademark Office on July 16, 2007, and received by the PTO, as is shown by the attached copy of the Electronic Acknowledgement Receipt bearing a receipt date of July 16, 2007. These documents can also be viewed in PAIR.

Accordingly, Applicants respectfully request withdrawal of

the Notice of Abandonment and the return of this application to  
"pending" status.

Applicants' undersigned attorney may be reached at the  
number given below.

Respectfully submitted,

By           /Yan Glickberg/            
Yan Glickberg, Reg. 51,742  
Attorney  
(914) 333-9618

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	1975523
<b>Application Number:</b>	09966414
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	4362
<b>Title of Invention:</b>	Individual recommender database using profiles of others
<b>First Named Inventor/Applicant Name:</b>	Srinivas Gutta
<b>Customer Number:</b>	24737
<b>Filer:</b>	Yan Glickberg/Natale Manzo
<b>Filer Authorized By:</b>	Yan Glickberg
<b>Attorney Docket Number:</b>	US010451
<b>Receipt Date:</b>	16-JUL-2007
<b>Filing Date:</b>	28-SEP-2001
<b>Time Stamp:</b>	15:51:28
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	yes
Payment was successfully received in RAM	\$ 790
RAM confirmation Number	929
Deposit Account	141270
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 and 1.17	

### File Listing:

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## REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL (Submitted Only via EFS-Web)

Application Number	09966414	Filing Date	2001-09-28	Docket Number (if applicable)	US010451	Art Unit	2623
First Named Inventor	Srinivas GUTTA			Examiner Name	LONSBERRY, Hunter B.		

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

### SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

☐ Other \_\_\_\_\_

☒ Enclosed

☒ Amendment/Reply

☐ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☐ Other \_\_\_\_\_

### MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months \_\_\_\_\_  
(Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other \_\_\_\_\_

### FEES

**The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.**

☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to  
Deposit Account No 141270

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

☐ Applicant Signature

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Signature of Registered U.S. Patent Practitioner			
Signature	/Paul Im/	Date (YYYY-MM-DD)	2007-07-16
Name	Paul Im	Registration Number	50418

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application : **09/966,414**

Applicant(s) : **GUTTA et al.**

Filed : **9/28/2001**

Confirmation : **4362**

T.C./Art Unit : **2623**

Examiner : **LONSBERRY, Hunter B.**

Atty. Docket : **US-010451**

Title: **INDIVIDUAL RECOMMENDER DATABASE USING PROFILES OF OTHERS**

**AMENDMENT and/or RESPONSE under 37 C.F.R. § 1.114**

Mail Stop **Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Decision on Appeal of 15 May 2007, please amend the above referenced application as follows and/or reconsider the application in light of the following remarks.

**This paper includes** (each beginning on a separate sheet):

- 1. Amendments to and/or listing of the claims; and**
- 2. Remarks / Discussion of issues.**

Amendments to the Claims:

A listing of the entire set of pending claims (including amendments to the claims, if any) is submitted herewith per 37 CFR 1.121. This listing of claims will replace all prior versions, and listings, of claims in the application.

**Listing of Claims:**

1-8 (Canceled)

9. (Currently amended) A data-class recommender, comprising:

a learning engine;

a user interface device operably coupled to the learning engine;

the learning engine being operably coupled to a data source containing descriptions of data selections;

the learning engine being programmed to:

receive, through the user interface device, feedback from a first user evaluating the data selections;

progressively generate a description of data selections that are favored and disfavored by the first user based on the feedback, thereby generating a first user profile; ~~generate recommendations of data selections for the first user responsively to the first user profile;~~ and

selectively generate recommendations of data selections for the first user responsively to the first user profile and at least a second user profile of a second user;

wherein

the learning engine is programmed such that the first user profile includes a ~~narrow~~ specialized description defining only target data selections that are favored by the first user, and

a ~~broad~~ generalized description defining ~~non-target~~ only data selections that have not been disfavored by the first user,

the recommendations being derived from a space of data selections lying between the ~~broad and narrow~~ generalized and specialized descriptions.



10. (Canceled)

11. (Currently amended) The recommender of claim 9, wherein  
the learning engine is programmed to:

compare a level of narrowness in the ~~narrow~~ specialized description to a threshold such that the first user profile results in recommendations embracing a range of target data that is narrower than the threshold, and  
selectively generate recommendations of data selections for the first user responsively to the first user profile and at least a second user profile responsively to a result of comparing the level with the threshold.

12. (New) A method comprising:

receiving feedback from a first user regarding examples falling into various data-classes;

defining a first specialized description of the first user's preferences that includes only each data-class for which the first user provides positive feedback; and

expanding the specialized description of the first user's description by including only data-classes for which a second user has provided positive feedback.

13. (New) The method of claim 12, wherein

the data-classes for which the second user has provided positive feedback are included in a second specialized description of the second user's preferences.

14. (New) The method of claim 13, including

defining a first general description of the first user's preferences by excluding each data-class for which the first user provides negative feedback; and

selecting the examples from an intersection of the first general description and the second specialized descriptions.

15. (New) The method of claim 12, including  
    defining a first general description of the first user's preferences by excluding each data-class for which the first user provides negative feedback; and  
    selecting the examples from the first general description.

16. (New) The method of claim 12, including  
    defining a first general description of the first user's preferences by excluding each data-class for which the first user provides negative feedback; and  
    selecting the examples from an intersection of the first general description and a union of a plurality of other specialized descriptions.

18. (New) A method comprising:  
    receiving feedback from a first user regarding examples falling into various data-classes;  
    defining a first specialized description of the first user's preferences that includes only each data-class for which the first user provides positive feedback;  
    defining a first general description of the first user's preferences by excluding each data-class for which the first user provides negative feedback; and  
    expanding the specialized description of the first user's description by including only data-classes from an intersection of the first general description and one or more second specialized description.

19. (New) The method of claim 18, wherein  
    at least one of the second specialized descriptions includes only data-classes for which one or more other users have provided positive feedback.

20. (New) The method of claim 18, including  
    identifying an archetypal user class associated with the user;  
    wherein at least one of the second specialized descriptions includes only data-  
    classes that are identified as being favorable to the archetypal user class.
21. (New) The method of claim 18, wherein  
    expanding the specialized description includes determining an intersection of  
    the first general description with a union of the first specialized description and the  
    one or more second specialized descriptions.
22. (New) The method of claim 18, including  
    selecting the examples from the first generalized description.
23. (New) The method of claim 18, including  
    selecting the examples from an intersection of the first generalized description  
    and the one or more second specialized descriptions.

REMARKS / DISCUSSION OF ISSUES

Claims 9 and 11-23 are pending in the application; claims 12-23 are newly added.

The final Office action of 7 March 2006 rejects claims 9 and 11 under 35 U.S.C. 102(b) over Payton. The applicants respectfully traverse this rejection in view of amended claim 9.

Claim 9, upon which claim 11 depends, claims a data-class recommender that includes a user profile that includes a specialized description defining only target data selections that are favored by the user, and a generalized description defining only data selections that have not been disfavored by the user, wherein the recommendations are derived from a space of data selections lying between the generalized and specialized descriptions.

Payton does not teach a user profile that includes a specialized description defining only target data selections that are favored by the user, and a generalized description defining only data selections that have not been disfavored by the user, and does not teach using these spaces to derive recommendations.

In the referenced Office action, the Examiner asserts that the user's profile includes a narrow set of selections with higher ratings, and a broad set of selections with lower ratings. In the reference Appeal Brief, the Board asserts that the user's profile includes a narrow set of selection encompassing the selections that have been rated by the user, and a broad set of selections encompassing the empty space in the user profile that will be rated by others. Neither of these interpretations encompasses a generalized description that only contains selections that have not been disfavored by the user; and neither of these interpretations encompass deriving recommendations from a space between such a generalized description and a specialized description of only the selections that are favored by the user.

Because Payton does not teach a user profile that includes a specialized description defining only target data selections that are favored by the user, and a

generalized description defining only data selections that have not been disfavored by the user, and does not teach using these spaces to derive recommendations, as specifically claimed in claim 9, the applicants respectfully request the Examiner's reconsideration of the rejection of claims 9 and 11 under 35 U.S.C. 102(b) over Payton.

In view of the foregoing, the applicants respectfully request that the Examiner withdraw the rejections of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

/Robert M. McDermott/  
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